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COOPER & DUNHAM, LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

In re Application of :  
Ilya Tracht :  
Serial No.: 09/664,485 : PETITION DECISION  
Filed: September 18, 2000 :  
Attorney Docket No.: 55099-A :

This is in response to the petition under 37 CFR 1.181, filed January 21, 2005, requesting withdrawal of abandonment based on a timely reply


**BACKGROUND.**

A review of the file history shows that the examiner mailed an Office action to applicant on May 28, 2004, setting a three month shortened statutory period for reply. Upon failure to receive a reply a Notice of Abandonment was mailed to applicant on December 9, 2004. Applicant states that a reply was filed on September 1, 2004, with a properly executed Certificate of Mailing dated August 30, 2004 (August 28, 2004, being a Saturday) and provides an Office date stamped return postcard showing receipt by the Office on September 1, 2004. In view of the evidence presented it is concluded that applicant replied timely and that the Notice of Abandonment was mailed in error and is withdrawn with the mailing of this petition decision.

The petition is **GRANTED**.

**The application will be forwarded to the examiner for further consideration.**

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

  
Jasemine C. Chambers  
Director, Technology Center 1600